THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19669 of 2007

Date:17-09-2007

Between:

J.Munirathnam Naidu

.. PETITIONER

AND

The District Collector, Chittoor and two others **.. RESPONDENTS**

ORDER:

Petitioner seeks a writ of mandamus to declare the proposed action of the respondents without issuing any notice trying to evict the petitioner from the land situated in Sy.No.243/4 in an extent of Ac.0.30 cents situated at Gajulapalli village and post, Thavanampalli mandal, Chittoor District, as illegal and arbitrary.

It is the case of the petitioner that the grandfather of the petitioner was in possession and enjoyment of the land situated in Sy.No.243/4 in an extent of Ac.0.30 cents situated at Gajulapalli village and post, Thavanampalli madnal, Chittoor District and DKT patta was granted in his favour in 1968 and his grandfather executed a gift deed in favour of his mother in 1983 and his mother died in 1995. Thereafter, the petitioner being the successor, the revenue authorities granted pattadar pass book and title deed in his favour.

While so, when the third respondent started interfering with his possession, the petitioner filed O.S.No.925 of 2005 on the fie of the Junior Civil Judge, Chittoor and obtained ad-interim injunction against the third respondent and thereafter the respondents
1 and 2 tried to interfere with the possession. It is stated that the petitioner also filed an application to implead the respondents
1 and 2. It is stated that even after the civil Court impleaded the respondents 1 and 2 and passed injunction orders against the respondents 1 and 2, the respondents 1 and 2 are trying to dispossess the petitioner from the said land.

The perusal of the record goes to show that the petitioner did

not make any representation before the official respondents so as to enable this Court to issue a writ of mandamus. Therefore, I am of the opinion that without demanding or making any representation before the authorities concerned, no writ of mandamus can be issued.

However, the learned Government Pleader for Revenue submits that as the petitioner has been in possession of the said land and violation of condition No.17 of DKT patta, after giving notice to the petitioner of 15 days as to why he shall not be dispossessed and the said notice, dated 14.12.2004 which was received by the petitioner on 16.12.2005 and as no explanation was submitted within the time, the DKT patta was cancelled and house sites were allotted to 15 scheduled tribe beneficiaries of Gajulapalle vide proceedings No.33/4/1415, dated 15.02.2006.

In view of the aforesaid facts and circumstances of the case, I am of the opinion that the petitioner is not entitled for any relief sought in this writ petition and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:17.09.2007
ccm